REMARKS/ARGUMENTS

In the Office Action dated November 12, 2003, claims 31-60 were pending. Claims 31-60 were rejected under 35 U.S.C. §112, first paragraph. The specification has been rejected under 35 U.S.C. §112, first paragraph.

In this response, no claim has been canceled. Claims 31, 33, 41, 43, 51, and 53 have been amended to particularly point out and distinctly claim, in full, clear, concise, and exact terms, the subject matter which applicant regards as his invention. No new matter has been added. Reconsideration of this application as amended is respectfully requested.

With respect to the interview, the Examiner originally initiated the interview on September 5, 2003 regarding the support for the claims. Applicant believes that adequate support and answers have been provided to the Examiner during the interview. During the interview, the Examiner indicated that the Examiner had to leave soon. As a result, applicant suggested another interview on the following day. Applicant subsequently called the Examiner back on the following day, September 6, 2003 and left a voice mail to invite the Examiner to call back if there were further issues with respect to the present application. It appears that something went wrong in the voice mail system that failed to deliver the voice mail to the Examiner.

The specification is rejected under 35 U.S.C. §112, first paragraph. Specifically, the Examiner stated:

> "The specification is objected to under 37 CFR 1.71 because the specification failing to provide an adequate written description of the invention. Initially, the examiner notices the separate nature of the written description requirement as contrasted to the enablement requirement of the first paragraph of 35 U.S.C. 112."

(11/12/2003 Office Action, page 3)

Applicant respectfully disagrees. Applicant respectfully submits that the specification of the present application has provided adequate description to enable those with ordinary skill in the art to understand and carry out the present invention as claimed. For example, according to some embodiments, the software architecture and routines have been described and illustrated in Figures 1 and 6 and their

corresponding descriptions (see, pages 5-8 and 22-23 of the specification). Examples of the sequence

tables that may be used in certain embodiments have been described and illustrated in Figures 2A-2B and

their corresponding descriptions (see, pages 8-15 of the specification). Examples of the procedures to

carry out the invention as claimed, according to some embodiments, have been described and illustrated

in Figures 3-5 and their corresponding descriptions (see, pages 15-21 of the specification).

Specifically, the specification states:

"A fragment is located by starting at the root sequence table unit 106 and following each handle in the immediate sequence tables 108 to the end sequence table unit 110. Usually each fragment has a chain of tables such that the entire data object may be reconstructed by reading all of the chains of sequence tables. A sequence table that points to a lower level unit, i.e. child unit, is often called the parent unit for the child unit.

The updating procedures may involve replacing data, i.e. overwriting, removing data, i.e. truncating or discarding, or adding data, i.e. amending. Figure 4 is a flow chart showing one method of updating. A particular fragment that contains old data to be changed is identified 200. The old data may be the entire contents of the fragment or only part of the data contained within the identified fragment.

A backup copy of the identified fragment having the old data is made and data is changed, e.g. changed data is inserted in replace of the old data 202. Each sequence table in the chain for the identified fragment is read by starting with the root sequence table 204. Thus, the valid handle in the entry that references the next sequential unit, i.e. fragment or sequence table unit, is read. Each of these sequence tables in the fragment's chain is duplicated to create backup versions, i.e. copy sequence tables, and these copies are stored 206.

The chain of copied sequence tables are linked to each other, e.g. valid handles are written into an entry in the copied sequence table to reference the next copied sequence table in the chain 208. Thus, the new chain leads to the new fragment having the changed data rather than the old fragment with the old data. If any additional fragment is to be updated, the fragment is identified and the process repeats for this additional fragment until all fragments needing updated are manipulated according to the above-described procedure 210.

Valid handles for the copied sequence tables are written so that the copied sequence tables point to the appropriate original i.e. unaltered sequence tables and/or original fragments to complete the chains for the unaltered fragments 212. The original sequence table(s) and fragment(s) that have been copied are deleted from storage 214. The deletion may occur by various mechanisms. In one example of deletion, a fragment and sequence table may have their status modified from "valid" to "invalid." Such invalid units may then be available for subsequent writing. Another way in which a deletion may occur is by marking a unit as a backup copy and often also in a transition state, e.g. truncate, overwrite or discarding. Where updating is not completed, the backup copies may be either removed from storage or made available for subsequent writing. After deletion, the updating process may end 216."

(Fig. 3A, Specification, pages 16-18).

Therefore, applicant respectfully submits that the specification clearly provides adequate descriptions and support to enable those with ordinary skill in the art to carry out the invention as claimed. Withdrawal of the rejections is respectfully requested.

Claims 31-60 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner states:

> "As to claims 31, 41, and 51, Applicant fails to define any request structure and the claimed request receiving mechanism that are used for updating a first fragment of the file. As a matter of fact, the examiner searches through the whole specification and found no word of 'request'. Since there are a plurality of ways to define a request and various mechanism can be use in the relevant art to receive a request for updating a file, hence without defining a particular request restructure and specify a receiving mechanism supported by the claimed system, it is not reasonably convey to one skilled person in the relevant art to process the claimed request for updating a first fragment of the file. Thus, the system is not enable one skilled person in the art to make/use the invention."

(11/12/2003 Office Action, page 5).

Applicant respectfully disagrees. Applicant respectfully submits that it is well known in the computer art that the terms, such as "request", "command", "signal", or "instruction", etc., are interchangeable terms. Those with ordinary skill in the art would understand what constitutes a request based on the description of the present application. Nonetheless, applicant has amended some of the claims to replace the term of "request" with "instruction".

In addition, it is respectfully submitted that the structure of a request and the mechanism to receive such a request is not pertinent to the presently claimed invention. As acknowledged by the Examiner, there are many ways to define a structure of a request and to receive such a request. The present invention as claimed does not require a specific request structure or a specific receiving mechanism in order to be carried out. Otherwise, the scope of the claims would be unnecessarily narrowed. It is respectfully submitted that the claims should be interpreted as a whole in view of the specification. Those with ordinary skill in the art, based on the specification of the present application, would understand and be able to carry out the presently claimed invention. Withdrawal of the rejections is respectfully requested.

In view of the foregoing, applicant respectfully submits the present application is now in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call the undersigned attorney at (408) 720-8300.

Please charge Deposit Account No. 02-2666 for any shortage of fees in connection with this response.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: _____12/18_____, 2003

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Attachments